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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**NADEEM MAALLOULI, M.D.**

Physician and Surgeon's Certificate No. C 51582

Respondent.

**Case No. 16-2005-171156**

**DEFAULT DECISION AND ORDER**

12 On or about January 25, 2006, an employee of the Medical Board of California  
13 (hereinafter "Board") sent by certified mail a copy of Accusation No. 16-2005-171156  
14 ("Accusation") Statement to Respondent, Notice of Defense in blank, copies of the relevant  
15 sections of the California Administrative Procedure Act as required by sections 11503 and 11505  
16 of the Government Code, and a request for discovery, to Nadeem Maalouli, M.D. (hereinafter  
17 "respondent") at his address of record on file with the Board, 1824 Lake Forest Lane, Orange  
18 Park, FL 32003. (Copies of the Accusation package, along with the proof of service are attached  
19 hereto as Exhibit 1.) On or about February 3, 2006, the Board received a signed green certified  
20 receipt tag, article number 7003 1680 0004 2729 2586 indicating that the Accusation package  
21 had been received by respondent on January 30, 2006. (A copy of the green certified receipt tag  
22 is attached hereto as Exhibit 2.) No response to the Accusation has been received.

23 On April 4, 2006, an employee of the Office of the Attorney General sent by certified and  
24 regular mail a courtesy Notice of Default, addressed to respondent at his address of record on file  
25 with the Board. (A Copy of the Notice of Default, and the proof of service are attached hereto as  
26 Exhibit 3.) On or about April 14, 2006, a signed green certified receipt tag article number 7160  
27 3901 9848 5186 3063 was received by the Office of the Attorney General indicating that the  
28 Notice of Default had been delivered to respondent on April 10, 2006. (A copy of the green

1 certified receipt tag article number 7160 3901 9848 5186 3063 is attached hereto as Exhibit 4.)

2 Respondent has not filed a Notice of Defense. As a result, respondent has waived his  
3 right to a hearing on the merits to contest the allegations contained in the Accusation. The  
4 Division of Medical Quality now proceeds to take action based upon the Accusation, declarations  
5 and documentary evidence on file in accordance with Government Code sections 11505(a) and  
6 11520.

## 7 **FINDINGS OF FACT**

### 8 **I.**

9 David T. Thornton is the Executive Director of the Medical Board of California  
10 and brought the charges and allegations in the accusation solely in his official capacity.

### 11 **II.**

12 On or about May 5, 2004, Physician and Surgeon's Certificate No. C 51582 was  
13 issued by the Board to Nadeem Mounir Maalouli, M.D. (hereinafter "respondent").  
14 Respondent's certificate is renewed and current with an expiration date of May 31, 2006. (A true  
15 and correct copy of license certification is attached hereto as Exhibit 5.)

### 16 **III.**

17 On January 25, 2006, an Accusation was filed by the Board alleging causes for  
18 discipline against respondent. The Accusation and accompanying documents were duly served  
19 on respondent. Respondent failed to file a Notice of Defense.

### 20 **IV.**

21 The allegations of the Accusation are true as follows:

22 On or about October 26, 2005, the State of Florida, Board of Medicine issued a  
23 Final Order regarding respondent's license to practice medicine in Florida. Under the terms of  
24 the Final Order, respondent was reprimanded and fined \$10,000 (ten thousand dollars). The Final  
25 Order further provided that respondent would be required to perform one hundred hours of  
26 community service and complete additional hours of continued education. The Final Order  
27 resolved an Administrative Complaint alleging that respondent diagnosed a male patient with an  
28 infected umbilical abscess and directed an advanced registered nurse practitioner (ARNP) to

1 incise and drain the abscess before ensuring that abdominal x-rays had been obtained, and before  
2 reviewing any x-rays prior to ordering the drainage procedure. After the ARNP had initiated the  
3 procedure as instructed, a surgical consult was obtained and it was determined that the incision  
4 had exposed soft tissue resembling intestinal tissue. It was later determined that the patient had  
5 an incarcerated strangulated umbilical hernia and intracutaneous fistula.

6 A certified copy of the Final Order issued by the State of Florida, Board of Medicine is  
7 attached to the Accusation, Exhibit 1 hereto.

8 V.

9 Pursuant to the foregoing Findings of Fact, respondent's conduct constitutes  
10 unprofessional conduct within the meaning of Business and Professions Code section 2305 and  
11 is conduct subject to discipline within the meaning of section 141(a).

12 **DETERMINATION OF ISSUES**

13 I.

14 Pursuant to the foregoing Findings of Fact, respondent's conduct constitutes  
15 unprofessional conduct within the meaning of Business and Professions Code section 2305 and is  
16 conduct subject to discipline within the meaning of section 141(a).

17 **DISCIPLINARY ORDER**

18 Physician and Surgeon's certificate No. C 51582 issued to Nadeem Maalouli,  
19 M.D. is hereby **REVOKED**.

20 Respondent shall not be deprived of making a request for relief from default as set  
21 forth in Government Code section 11520(c) for good cause shown. However, such showing  
22 must be made in writing by way of a motion to vacate the default decision and directed to the  
23 Division of Medical Quality, Medical Board of California at 1426 Howe Avenue, Sacramento,

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1 CA 95825 within seven (7) days of the service of this Decision.

2 This Decision will become effective at 5:00 p.m. on June 26, 2006 .

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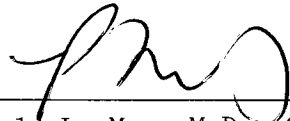
4 DATED: May 26, 2006

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MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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By   
Ronald L. Moy, M.D., Chair  
Panel B  
Division of Medical Quality

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BILL LOCKYER, Attorney General  
of the State of California  
JOSE R. GUERRERO  
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Telephone: (415) 703-5552  
Facsimile: (415) 703-5480

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**NADEEM MAALLOULI, M.D.,**  
1824 Lake Forest Lane  
Orange Park, FL 32003

Physician and Surgeon's  
Certificate No. C 51582

Respondent.

Case No. 16-2005-171156

ACCUSATION

The Complainant alleges:

**PARTIES**

1. Complainant David T. Thornton is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about May 5, 2004, Physician and Surgeon's Certificate No. C 51582 was issued by the Board to Nadeem Mounir Maalouli, M.D. (hereinafter "respondent"). Respondent's certificate is renewed and current with an expiration date of May 31, 2006.

**JURISDICTION**

3. This accusation is brought before the Division of Medical Quality of the

1 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),  
2 under the authority of the following sections of the California Business and Professions Code  
3 (hereinafter "Code") and/or other relevant statutory enactment:

4 A. Section 2227 of the Code provides in part that the Board may revoke,  
5 suspend for a period of not to exceed one year, or place on probation, the license of any  
6 licensee who has been found guilty under the Medical Practice Act, and may recover the  
7 costs of probation monitoring if probation is imposed.

8 B. Section 2305 of the Code provides, in part, that the revocation, suspension,  
9 or other discipline, restriction or limitation imposed by another state upon a license to  
10 practice medicine issued by that state, that would have been grounds for discipline in  
11 California under the Medical Practice Act, constitutes grounds for discipline for  
12 unprofessional conduct.

13 C. Section 141 of the Code provides:

14 "(a) For any licensee holding a license issued by a board under the  
15 jurisdiction of a department, a disciplinary action taken by another state, by any agency of  
16 the federal government, or by another country for any act substantially related to the  
17 practice regulated by the California license, may be a ground for disciplinary action by the  
18 respective state licensing board. A certified copy of the record of the disciplinary action  
19 taken against the licensee by another state, an agency of the federal government, or by  
20 another country shall be conclusive evidence of the events related therein."

21 "(b) Nothing in this section shall preclude a board from applying a  
22 specific statutory provision in the licensing act administered by the board that provides  
23 for discipline based upon a disciplinary action taken against the licensee by another state,  
24 an agency of the federal government, or another country."

25 4. Respondent is subject to discipline within the meaning of section 141 of  
26 the Code and is guilty of unprofessional conduct within the meaning of section 2305 of the Code  
27 as more particularly set forth herein below.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Discipline, Restriction, or Limitation Imposed by Another State)

3 5. On or about October 26, 2005, the State of Florida, Board of Medicine  
4 issued a Final Order regarding respondent's license to practice medicine in Florida. Under the  
5 terms of the Final Order, respondent was reprimanded and fined \$10,000 (ten thousand dollars).  
6 The Final Order further provided that respondent would be required to perform one hundred  
7 hours of community service and complete additional hours of continued education. The Final  
8 Order resolved an Administrative Complaint alleging that respondent diagnosed a male patient  
9 with an infected umbilical abscess and directed an advanced registered nurse practitioner  
10 (ARNP) to incise and drain the abscess before ensuring that abdominal x-rays had been obtained,  
11 and before reviewing any x-rays prior to ordering the drainage procedure. After the ARNP had  
12 initiated the procedure as instructed, a surgical consult was obtained and it was determined that  
13 the incision had exposed soft tissue resembling intestinal tissue. It was later determined that the  
14 patient had an incarcerated strangulated umbilical hernia and intracutaneous fistula.

15 Attached hereto as Exhibit A is a true and correct copy of the Final  
16 Order issued by the State of Florida, Board of Medicine.

17 6. Respondent's conduct and the action of the State of Florida, Board of  
18 Medicine, as set forth in paragraph 5, above, constitute unprofessional conduct within the  
19 meaning of section 2305 of the Code and grounds for disciplinary action and/or conduct subject  
20 to discipline within the meaning of section 141(a) of the Code.

21 **PRAYER**

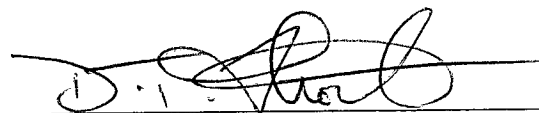
22 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
23 herein alleged, and that following the hearing, the Division issue a decision:

- 24 1. Revoking or suspending Physician and Surgeon's Certificate Number C  
25 51582, heretofore issued to respondent Nadeem Maalouli, M.D.;
- 26 2. Revoking, suspending or denying approval of the respondent's authority to  
27 supervise physician assistants;

1                   3.       Ordering respondent to pay the Division the costs of probation monitoring  
2 upon order of the Division; and,

3                   4.       Taking such other and further action as the Division deems necessary and  
4 proper.

5 DATED: January 25, 2006 .  
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10 **DAVID T. THORNTON**  
11 Executive Director  
12 Medical Board of California  
13 Department of Consumer Affairs  
14 State of California

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Complainant



## **EXHIBIT A**

Final Order No. DOH-05-1797- 5 -MOA  
FILED DATE - 10-26-05  
Department of Health  
By: Theresa McKinn  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2004-02409  
LICENSE NO.: ME0077481

NADEEM M. MAALOULI, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 7, 2005, in Orlando, Florida, for the purpose of considering a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, the Board rejected the Consent Agreement and offered a Counter Consent Agreement which Respondent was given 7 days to accept. By letter dated October 20, 2005, counsel for Respondent accepted the Board's Counter Consent Agreement on behalf of Respondent. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. The letter of concern set forth in Paragraph 1 of the Stipulated Disposition shall be deleted.

2. The fine set forth in Paragraph 2 of the Stipulated Disposition shall be increased to \$10,000.

3. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$1,439.16.

4. The community service set forth in Paragraph 4 of the Stipulated Disposition shall be amended to require 100 hours of community service.

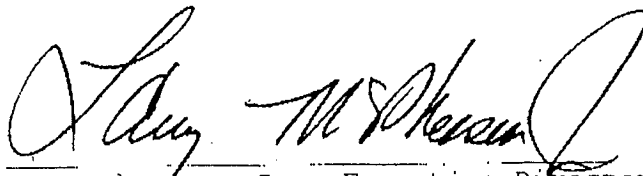
5. Respondent shall be and hereby is REPRIMANDED by the Board.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 25 day of OCTOBER, 2005.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director  
for Laurie K. Davies, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to NADEEM MAALLOULT, M.D., 1824 Lake Forest Lane, Orange Park, Florida 32003; and 2140 Kingsley Avenue, Orange Park, Florida 32073; to Kathryn Hood, Esquire, 111 North Calhoun Street, P.O. Box 1739, Tallahassee, Florida 32302-1739; and by interoffice delivery to Denise O'Brien and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 26<sup>th</sup> day of October, 2005.

*Sarah Anthony*

**Deputy Agency Clerk**